Supreme Court, U.S.
FILED

10-633 NOV 5 - 2010

OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

**In re WILLIAM M. WINDSOR**

WILLIAM M. WINDSOR,

*Petitioner*

v.

Judge Joel F. Dubina, Judge Rosemary Barkett, Judge Edward Earl Carnes, Judge James Larry Edmondson, Judge Frank M. Hull, Judge Stanley Marcus, Judge William H. Pryor, Jr., Judge Gerald Bard Tjoflat, Judge Beverly B. Martin, Judge Susan H. Black, Judge Charles R. Wilson, Judge James C. Hill, Judge Peter T. Fay, Judge Phyllis A. Kravitch, Judge R. Lanier Anderson, and Judge Emmett Ripley Cox

*Respondents*

On Petition for Writ of Mandamus
To The United States Court of Appeals for The Eleventh Circuit

# PETITION FOR WRIT OF MANDAMUS

William M. Windsor
*Pro Se*
PO Box 681236
Marietta, GA 30068
770-578-1094

## QUESTIONS PRESENTED

Windsor is seeking a Petition for Writ of Mandamus to disqualify all judges in the Eleventh Circuit from presiding in any civil actions involving Windsor. Windsor seeks this relief pursuant to Supreme Court Rule 20 as authorized by 28 U.S.C.§1651(a).

1. Whether the judges of the Eleventh Circuit could be expected to have an extra-judicial bias for their fellow judges.

2. Whether the judges of the Eleventh Circuit could be expected to have an extra-judicial bias against pro se parties.

3. Whether federal judges in the Eleventh Circuit should be stopped from committing illegal and corrupt acts to obstruct justice and inflict bias on litigants.

4. Whether the judges of the Eleventh Circuit could be expected to have a bias against Windsor.

5. Whether the average reasonable person knowing all the facts could doubt that judges of the Eleventh Circuit might be expected to have a bias against Windsor.

6. Whether rulings of the Eleventh Circuit ion extra-judicial bias conflict with the precedent of The Supreme Court.

7. Whether anyone in the federal judiciary cares about honesty, decency, perjury, subornation of perjury, fraud upon the courts, and crimes committed by federal judges from the bench.

8. Whether The Supreme Court is prepared to declare that the Constitution and its amendments must no longer be void in the Eleventh Circuit.

9. Whether The Supreme Court will not be afraid to disclose the corruption in the federal courts.

## CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6 Petitioner states the following:

This petition is filed on behalf of an individual.

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## OPINIONS BELOW

The opinions of the United States Court of Appeals for the Eleventh Circuit are provided in the Appendix to the Petition ("Pet.App.") on pages 2 to 62. Orders denying disqualification of judges are on Pet.App. pages 13,15,18,22,26,29,33,35,43, and 45.

## JURISDICTION

This Court is authorized to issue a Writ of Mandamus pursuant to 28 U.S.C.§1651(a) in aid of its respective jurisdiction under 28 U.S.C.§1254.

## STATUTES INVOLVED

This case involves 28 U.S.C.§144, 28 U.S.C.§455, the United States Constitution and the First, Fifth, Sixth, Eighth and Fourteenth Amendments, the Code of Judicial Conduct, and the Court's Inherent Powers.

## STATEMENT OF THE CASE

A. Jurisdiction Below

The United States District Court for the Northern District of Georgia has subject matter jurisdiction over Civil Action No.1:06-CV-0714-ODE ("MIST-1"), Civil Action No.1:09-CV-02027-WSD (MIST-2"), and Civil Action No.1:09-CV-01543-WSD ("Deposition_Action") pursuant to 28 U.S.C.§1331, which confers original jurisdiction for actions arising under the laws of the United States and 28 U.S.C.§1367, which confers jurisdiction ancillary to this District Court's original exercise of jurisdiction in these civil actions.[1]

The United States Court of Appeals for the Eleventh Circuit had jurisdiction pursuant to the All Writs Act, 28 U.S.C.§1651(a).

B. Statement of Facts

This is a request for a writ of mandamus to be issued by this Court directing that all judges in the United States Court of Appeals for the Eleventh Circuit ("11th Judges"), be disqualified from presiding in any civil action involving Windsor.

In MIST-1, four Maid managers comimitted hundreds of counts of perjury and committed a conspiracy to commit fraud. (See MIST-1 Doc.377.)

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[1] Citations are provided herein to three dockets. All documents referenced herein are incorporated as if attached hereto.

Maid's managers and attorney, Mr. Carl Hugo Anderson, lied many hundreds of times. (See MIST-1_Doc.377–Exhibits_1-8,10-21 for each false statement and the proof of the falsity.)

Proof of wrongdoing is conclusive in the Docket of MIST-1 and MIST-2_Doc.1.[2] The many issues of professional misconduct are detailed in MIST-1_Doc.474 and Dec#25 (MIST-1_Doc.462).

Judges are supposed to tell the truth at all times, but Judge Evans has made false statements routinely. Proof of the false statements in the orders has been documented in MIST-1_Doc.362 and 377 with citations to Maid's witnesses proving that many statements are false.[3]

These were material false statements made under the Judge's oath of office in a federal proceeding. Judge Evans knew statements that she made were false.[4]

Judge Evans has committed obstruction of justice by withholding material evidence that should have been provided to Windsor. Judge Evans received two contracts for an in camera inspection in February 2007. Judge Evans claimed the contracts were not relevant to the case, but that was false.

Windsor finally obtained the contracts through a FOIL request in 2009, so the Petitioner

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[2] See MIST-1_Doc.474.

[3] MIST-1_Doc.377, Exhibits 9 and 22.

[4] MIST-1_Doc.174, P23: 24-25, P24: 1-7, P34: 4-7, P44: 6-8.

knows that the contracts contained extremely important information, and the Petitioner is convinced that Maid filed bogus documents with Judge Evans. (Petitioner has filed a Motion to Compel Production for In Camera Inspection with this Court. These documents from the MIST-1 files in the Northern District of Georgia will prove fraud upon the courts and obstruction of justice.)

Judge Evans has been pervasively biased and has committed crimes while operating corruptly throughout MIST-1.

Detailed background facts regarding the professional misconduct of Judge Evans are provided in Dec#23.[5] Dec#23 details what Judge Evans did throughout this case. Other violations are detailed in Dec#25.[6]

Windsor has filed a Petition for Writ of Mandamus with this Court to disqualify Judge Duffey. A similar Petition to disqualify Judge Evans is at the printer and will follow the filing of this Petition within a few days. Windsor asks that all of these Petitions be considered jointly as they provide the complete picture of judicial bias.

The worst of hardships have resulted from the dishonesty in this case. Windsor has lost approximately $1,500,000.00, have been saddled with an injunction that is a violation of Georgia law, have been defamed, and have lost years of man

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[5] MIST-1_Doc.406.
[6] MIST-1_Doc.462.

hours fighting the injustice. To the Petitioner, the financial cost represents money that this retiree expected to live on in retirement.[7]

Judge Duffey ignored all of the above when it was spelled out for him in precise detail in MIST-2. Details of the earliest wrongs ignored by Judge Duffey are provided in MIST2-Doc.1. There has been much more since these were written.

The judges of the Eleventh Circuit have similarly ignored all of the wrongdoing while violating statutes, rules, the Code of Judicial Conduct, and the Constitution to damage Windsor and protect Judge Evans and Judge Duffey.

In denying a Motion to Recuse, Judge Duffey stated that extrajudicial bias is required for recusal. On the Petition for Writ of Mandamus, the Eleventh Circuit also ruled: "Windsor has not shown bias stemming from an extra judicial source." But Judge Duffey's bias IS extrajudicial as is the bias of Judge Evans and the judges of the Eleventh Circuit.

The facts stated above are uncontroverted. No one has submitted a sworn affidavit in any court proceeding to even attempt to dispute these facts. The record in MIST-1 contains proof citing to the record, primarily the sworn testimony of Maid's managers.

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[7] MIST-2_Doc.1.

## REASONS FOR GRANTING THE PETITION

### I. THE JUDGES OF THE ELEVENTH CIRCUIT HAVE A BIAS FOR THEIR FELLOW JUDGES.

A reasonable person would question the impartiality of any judge in litigation involving another judge who has been a friend for as long as 32 years.

Judge Evans has been a federal judge since 1978. She has been a federal judge in Atlanta longer than all 11 of the active federal judges at the Eleventh Circuit. Judge Edmondson--1986, Judge Dubina--1990, Judge Carnes--1992, Judge Black--1992, Judge Barkett--1994, Judge Hull--1997, Judge Marcus--1997, Judge Wilson--1999, Judge Pryor--2005, and Judge Martin--2010. Only Judge Tjoflat has been a federal judge longer – 1975, but he joined the Eleventh Circuit three years after Judge Evans became an Atlanta federal judge. Two Senior Judges have slightly more seniority: Judge Hill--1976, Judge Fay--1976, Judge Kravitch--1979, Judge Anderson--1981, Judge Cox--1988. The number of years that each of the Eleventh Circuit Judges have been friends with Judge Evans are: 24, 20, 18, 18, 16, 13, 13, 5, 1, 29, 32, 32, 31, 29, and 22.

The federal judges in the Northern District of Georgia and the Eleventh Circuit recently established a precedent regarding recusal in cases involving a friend judge. Every federal judge disqualified himself or herself in Criminal Action No. 1:10-MJ-141S involving federal judge Jack T. Camp,

accused of drug and gun violations. Chief Judge Dubina petitioned the Chief Justice of this Court to appoint a judge from another circuit, and he did. Windsor has filed motions in this regard, but they have been ignored.

## II. JUDGES OF THE ELEVENTH CIRCUIT HAVE A BIAS AGAINST PRO SE PARTIES.

While the prejudice FOR their fellow judges is bad enough, the judges of the Eleventh Circuit also have a bias against pro se parties. Pro se parties are mistreated. There is a presumption of "guilt," legal incompetence, and that the judges can get away with whatever they choose to do to a pro se party. There is a presumption that pro se parties will be similarly mistreated at every level of the judicial process. The Eleventh Circuit judges employ a different set of rules for pro se parties. Pro se parties have their legal rights curtailed.

While the prejudice against pro se parties may have come from experience as a judge or as an attorney, this prejudice did not emanate from in-courtroom experience with the pro se party. The bias against pro se parties is clearly extra-judicial. Windsor has had his rights violated by the prejudice these judges have against him as a pro se party. Extra-judicial bias is grounds for disqualification pursuant to 28 U.S.C.455.

## III. JUDGES OF THE ELEVENTH CIRCUIT VIOLATE THE RULES, IGNORE THE

FACTS, VIOLATE THE LAW, AND OBSTRUCT JUSTICE.

The Petitioner believes Federal Judges Orinda D. Evans ("Judge Evans"), William S. Duffey, Jr. ("Judge Duffey"), Joel F. Dubina ("Judge Dubina"), James Larry Edmondson ("Judge Edmondson"), Rosemary Barkett ("Judge Barkett"), Edward Earl Carnes ("Judge Carnes"), Frank M. Hull ("Judge Hull"), Stanley Marcus ("Judge Marcus"), and William H. Pryor, Jr. ("Judge Pryor") (jointly "Defendant Judges") are corrupt and have conspired to damage Windsor. Windsor has filed a civil action against these judges in the Northern District of Georgia.[8]

The Defendant Judges have ignored Windsor's uncontroverted proof of massive dishonesty in MIST-1.

The actions of the Defendant Judges support perjury, subornation of perjury, Rule 11 violations, obstruction of justice, dishonest parties, dishonest attorneys, and corrupt judges.

By failing to follow proper procedure, the Defendant Judges violated Windsor's civil rights as they have been acting in the absence of all jurisdiction.

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[8] Windsor is TRYING to get his lawsuit filed. The Clerk of the Court has not assigned a civil action number and has not submitted the case to a judge for the emergency TRO hearing that Windsor requested weeks ago.

Examples of the wrongdoing by the Judges of the Eleventh Circuit are illustrated in the Pet.App. as highlighted below:

## ALLOW THE DISTRICT COURT JUDGES TO GET AWAY WITH THEIR IMPROPER AND ILLEGAL ACTS

Proof of this is throughout the Pet.App. pp.2-62.

## IGNORE THE FACTS

Judges Dubina, Hull, and Fay completely ignored the facts presented by the Defendants, which were proven by the record before the courts. (Pet.App.6. )

Judges Hull, Marcus, and Pryor completely ignored the facts and sanctioned perjury by Maid's Attorneys.(Pet.App.20.)

Judges Edmondson and Birch did not address a single fact in denying a petition for writ of mandamus. In so doing, they took the position that sworn affidavits under penalty of perjury and a mountain of proof of crimes and wrongdoing by Maid, Maid's Attorneys, and Judge Evans was not worthy of their time. Their order sanctions perjury and obstruction of justice.(Pet.App.22.)(Docket in Appeal No.09-15232-D.)

Judges Carnes, Barkett, and Hull ignored all of the facts and law. Their decision in Pet.App.26 says that if a corporation or LLC is unable to find an attorney who will represent them in a lawsuit against

a judge, that corporation loses all legal rights. They ignored this very important issue. (Pet.App.26.)(Dockets in Appeal Nos.09-14735-DD,09-16493, and 09-16494.)

Judges Carnes, Barkett, and Hull ignored everything and issued two of the most outlandish orders ever in Appeal No. 09-14735-DD. (Pet.App.29_and_40.) They ignored the facts and the law. They dismissed an appeal as frivolous with no explanation whatsoever. They lied about the basis for the bias that Windsor swore was why the judges of the Eleventh Circuit should be recused in matters involving Judge Evans and Judge Duffey. They granted sanctions against Windsor and to Maid in an appeal that did not even involve Maid, where the district court found nothing frivolous, where the facts and the law and case law indicate that the appeal was totally proper and sanctions were totally improper. And after all that, they violated Windsor's Constitutional rights even more severely in Pet.App.40.(Pet.App.29.)(Docket in Appeal No.09-14735-DD.)

Windsor needs to add Judges Black and Wilson to his lawsuit after reviewing their order of April 14, 2010. (Pet.App.35.) This is a horrible order in which they demonstrate bias by making absolutely false statements obtained from their fellow judges. They cite erroneous law while ignoring the case law that proves that mandamus is the proper vehicle for recusal. Their order does not discuss a single one of Windsor's points in an appeal where the law and the facts are absolutely overwhelming against Judge Evans' order. The only finding in the five page order

(padded mercilessly) is "After review, we find that Petitioner has failed to carry his burden both...." This clearly violates ***Corcoran v. Levenhagen***, 558 U. S. ____ (2009). Judges Black and Wilson then trample all over Windsor's legal and Constitutional rights by placing filing restrictions on Windsor. This was done in violation of the case law that says such restrictions may not be placed without notice and an opportunity to be heard. The restrictions are totally unfounded because Windsor has filed nothing even remotely frivolous. (Pet.App.35.)(Appeal Nos.10-10698-A,10-10699-A,10-10700-A,10-10701-A.) Windsor would like to note that somehow three of his petitions for mandamus were somehow duplicated. The Clerk of the Court never responded to Windsor's requests to try to figure out what happened. Windsor also believes that one action was ruled on twice (same bad result each time). Windsor would never intentionally pursue the same issue in the same way more than once.

Judges Carnes, Barkett, and Hull ignored everything and issued two of the most outlandish orders ever in Appeal No.09-14735-DD. (Pet.App.29_and_40.) In Pet.App.40, they literally ignored absolutely everything. They illegally and maliciously claimed that Windsor exceeded the page limits that do not exist in FRAP 38. They ignored and never even ruled on motions that pertained to the same issue and preceded this refusal to even allow Windsor's response to be filed. After it was file stamped by the Clerk, it was returned over a month later with the file stamp scratched out. Judges Carnes, Barkett, and Hull granted sanctions against Windsor and to Maid in an appeal that Windsor

should have won hands-down. To add insult to injury, they never issued a judgment, and their order gave no direction to the Clerk of the Court to issue a writ of execution, but the Clerk did both. Maid has filed liens on all of Windsor's assets and those of his wife, and Windsor is suing the Clerk of the Court over the wrongful actions. To just add a little more violation of Windsor's rights to due process, they ordered that Windsor could not file a motion for reconsideration or any motion of any type in this matter ever. Judges Carnes, Barkett, and Hull need to be high on Congressional list of the Atlanta federal judges to be impeached.(Pet.App.40.)(Docket in Appeal No.09-14735-DD.)

Judges Carnes, Barkett, and Hull struck again in Pet.App.43. They lied about the basis for the bias that Windsor swore was why the judges of the Eleventh Circuit should be recused in matters involving Judge Evans and Judge Duffey. They cited erroneous case law and ignored the Supreme Court's order in ***Liteky***. Then the further trampled Windsor's rights by ordering that Windsor could not respond to the denial and its perjury.(Pet.App.43.)(Dockets in Appeal Nos.09-16448-A,09-16493-A, and 09-16494-A.)

Windsor has been blocked from seeking reconsideration of orders or petitioning for rehearing en banc. This keeps Windsor from reaching the honest judges at the Eleventh Circuit.(Pet.App.50.)

Judges Carnes, Hull, and Marcus ignored everything in Appeal No.10-12517-A.(Pet.App.55.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation

whatsoever. There is nothing whatsoever frivolous about the appeal; it covers similar issues to appeals ruled not frivolous. The law is crystal clear that Judge Evans violated the law.(Pet.App.55.)(Docket in Appeal No.10-12517-A.)

Judges Edmondson, Birch, and Wilson ignored everything in Appeal Nos. 10-12450-A. (Pet.App.57.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation whatsoever. There is nothing whatsoever frivolous about the appeal; it covers identical issues to appeals ruled not frivolous. The law is crystal clear that Judge Evans violated the law. Significant case law was cited by Windsor. (Pet.App.57.)(Docket in Appeal No.10-12450-A.)

## IGNORE THE FEDERAL RULES OF CIVIL AND APPELLATE PROCEDURE

Judges Dubina, Hull, and Fay ignored the various rules that were violated by the Plaintiffs. (Pet.App.6.)

Judges Hull, Marcus, and Pryor had no trouble illegally ordering sanctions against Windsor (Pet.App.29_and_40), but they completely ignored the many violations of Maid's Attorneys in MIST-2. On page 19,¶2 of Appellees' Brief, Appellees state: "...he [Windsor] ... testified that he sold consumers worthless vouchers as part of his campaign to injure Maid." Windsor stated in his Motion for Sanctions in Appeal No. 09-13998-A: "This is false and despicable. The Appellees are all extremely dishonest, and this statement is a whopper of a lie.

Appellees know this is false. This statement was made to deceive this Court and damage Windsor. If this Court believes this statement, Windsor will be damaged. This is FRAUD – fraud upon the court. This is PERJURY. There is no factual basis whatsoever for this statement. Exhibit J hereto are pages from the deposition cited by Appellees on Page 19 of their Brief. See Exhibit J, P76:11-15, P91, 92, 93. Exhibit C hereto provides Maid's 30(b)(6) testimony that Windsor did not do what Appellees claim. Seventeen (17) sentences in Appellees' Brief are false." Windsor cited the proof, and his sworn affidavit under penalty of perjury was not controverted.(Pet.App.20.)

Judges Carnes, Barkett, and Hull ignored FRAP 38 and every provision that requires due process as well as everything to do with fairness and decency in Pet.App.40. They ignored and never even ruled on motions that pertained to the same issue and preceded this refusal to even allow Windsor's response to be filed in violation of a wide variety of rules. After it was file stamped by the Clerk, it was returned over a month later with the file stamp scratched out. To add insult to injury, they never issued a judgment as is required by the Rules, and their order gave no direction to the Clerk of the Court to issue a writ of execution, but the Clerk did both. Windsor tried to get the Eleventh Circuit to do something about this, but Judges Carnes, Barkett, and Hull ordered the Clerk to return anything and everything presented by Windsor.(Pet.App.40 and Docket in Appeal No.09-14735-DD.)

Windsor has been blocked from seeking reconsideration of orders or petitioning for rehearing en banc. This keeps Windsor from reaching the honest judges at the Eleventh Circuit.(Pet.App.50.)

Judges Carnes, Hull, and Marcus ignored everything in Appeal Nos. 10-12517-A.(Pet.App.55.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation whatsoever. There is nothing whatsoever frivolous about the appeal; it covers similar issues to appeals ruled not frivolous. The law is crystal clear that Judge Evans violated the law. (Pet.App.55.)(Docket in Appeal No.10-12517-A.)

Judges Edmondson, Birch, and Wilson ignored everything in Appeal Nos. 10-12450-A.(Pet.App.57.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation whatsoever. The law is crystal clear that Judge Evans violated the law. Significant case law was cited by Windsor. (Pet.App.57.)(Docket in Appeal No.10-12450-A.)

## IGNORE THE POINTS OF ERROR OF APPELLANTS

Judges Dubina, Hull, and Fay ignored all but one. They did not address 12 significant points of error and gave no justification whatsoever for the decision. (Pet.App.6.)

Judges Edmondson and Birch did not address a single point of the 19 Issues Presented by Windsor in

denying a petition for writ of mandamus. (Pet.App.22.)(Docket in Appeal No.09-15232-D.)

Judges Black and Wilson completely and totally ignored Windsor's absolutely valid issues. (Pet.App.35.) Their order does not discuss a single one of Windsor's points in an appeal where the law and the facts are absolutely overwhelming against Judge Evans' order. (Pet.App.35.)(Appeal Nos.10-10698-A,10-10699-A,10-10700-A, and 10-10701-A.)

Judges Carnes, Barkett, and Hull ignored everything and issued sanctions against Windsor and to Maid in an appeal that Windsor should have won hands-down. Windsor's Appellant's Brief cited 35 cases, 18 statutes, 13 Rules, and several Constitutional provisions. Whether Judge Duffey erred by allowing Judge Evans to file a Motion to Quash Subpoena and create this civil action. Judges Carnes, Barkett, and Hull completely and totally igniored the following: ignored Whether Judge Duffey erred by demonstrating pervasive bias against Windsor; Whether Judge Duffey erred by making false statements in orders; Whether Judge Duffey erred by encouraging perjury, subornation of perjury, Rule 11 violations, obstruction of justice, dishonest Plaintiffs, dishonest Plaintiffs' Attorneys, and dishonest Judge Evans; Whether Judge Duffey erred by making fact decisions contrary to the facts that were before the court; Whether Judge Duffey erred by commiting perjury; Whether Judge Duffey erred by issuing orders without legal justification; Whether Judge Duffey erred by claiming Windsor did not cite errors of law that would justify reconsideration on the Court's orders; Whether

Judge Duffey erred by claiming Windsor did not cite errors of fact that would justify reconsideration on the Court's orders; Whether Judge Duffey erred by violating Windsor's Constitutional rights; Whether Judge Duffey erred by failing to report Judge Evans to the appropriate authorities for violations of the Code of Judicial Conduct; Whether Judge Duffey erred by failing to report Plaintiffs' Attorneys to the appropriate authorities for violations of the State Bar of Georgia Rules of Professional Conduct; Whether Judge Duffey erred by failing to provide valid legal justification when denying Motion for Change of Venue.(Pet.App.40.)(Docket in Appeal No.09-14735-DD.)

**IGNORE THE LAW**

Judges Dubina, Hull, and Fay ignored perhaps the single most clear law there is – that there cannot be summary judgment if there is a key disputed fact issue, which there absolutely was. In MIST-1, the key issue was whether there was an oral contract for six months in 2005. The Defendants provided sworn testimony in multiple affidavits and three depositions stating that there was an oral contract for the entire 2005 season that was provided by Sandra Carlson for the Plaintiffs. The only testimony or evidence for the Plaintiffs was that the President testified he was "not aware of a contract." Sandra Carlson failed to appear for multiple depositions and was not allowed to testify by affidavit. Judge Evans stated in two orders that the Defendants swore there was a contract "for the entire 2005 season," but in her Summary Judgment Order, she claimed the agreement was for "in the 2005 season," a statement that appears nowhere in the

record. Judges Dubina, Hull, and Fay ruled that there was no fact issue, and they affirmed summary judgment. This violates thousands upon thousands of cases.(Pet.App.6.)

Judges Tjoflat and Pryor ignored the letter of the law in 28 U.S.C.144. They quoted from ***Liteky v. United States***, but ignored the portion of ***Liteky*** that makes it crystal clear that matters arising out of judicial proceedings can be grounds for recusal, especially if it came from a previous case, as was the situation with Judge Duffey. Judges Tjoflat and Pryor have the ungodly audacity to claim that Judge Evans can call me "scurrilous and irresponsible, and reasonable people would not think that he might not be able to be impartial.(Pet.App.15-17.) (See the Petition for Writ of Mandamus to disqualify Judge William S. Duffey that was filed with this Court the first week in November 2010.)

Judges Hull, Marcus, and Pryor completely ignored the law and sanctioned perjury by Maid's Attorneys.(Pet.App.20.)

Judges Carnes, Barkett, and Hull regularly ignore the law (just as they ignore the facts). (Pet.App.26.)(Dockets in Appeal Nos.09-14735-DD, 09-16493, and 09-16494.)

Judges Carnes, Barkett, and Hull ignored everything and issued one of the most outlandish orders ever in Appeal No. 09-14735-DD.(Pet.App.29.) They ignored the facts. They ignored the law. (Pet.App.29.)(Docket in Appeal No.09-14735-DD.)

Judges Black and Wilson completely and totally ignored Windsor's absolutely valid issues. (Pet.App.35.) They cite erroneous law while ignoring the case law that proves that mandamus is the proper vehicle for recusal.(Pet.App.35.)(Appeal Nos.10-10698-A,10-10699-A,10-10700-A, and 10-10701-A.)

In Pet.App.40, Judges Carnes, Barkett, and Hull literally ignored absolutely everything. They illegally and maliciously claimed that Windsor exceeded the page limits that do not exist in FRAP 38. They ignored and never even ruled on motions that pertained to the same issue and preceded this refusal to even allow Windsor's response to be filed. After it was file stamped by the Clerk, it was returned over a month later with the file stamp scratched out. Judges Carnes, Barkett, and Hull granted sanctions against Windsor and to Maid in an appeal that Windsor should have won hands-down. To add insult to injury, they never issued a judgment, and their order gave no direction to the Clerk of the Court to issue a writ of execution, but the Clerk did both. Maid has filed liens on all of Windsor's assets and those of his wife, and Windsor is suing the Clerk of the Court over the wrongful actions. To just add a little more violation of Windsor's rights to due process, they ordered that Windsor could not file a motion for reconsideration or any motion of any type in this matter ever. Judges Carnes, Barkett, and Hull need to be high on Congressional list of the Atlanta federal judges to be impeached. (Pet.App.40.)(Docket in Appeal No.09-14735-DD.)

Judges Carnes, Barkett, and Hull struck again in Pet.App.43. They lied about the basis for the bias

that Windsor swore was why the judges of the Eleventh Circuit should be recused in matters involving Judge Evans and Judge Duffey. They cited erroneous case law and ignored the Supreme Court's order in ***Liteky***. Then the further trampled Windsor's rights by ordering that Windsor could not respond to the denial and its perjury.(Pet.App.43.)(Dockets in Appeal Nos.09-16448-A,09-16493-A, and 09-16494-A.)

Windsor has been blocked from seeking reconsideration of orders or petitioning for rehearing en banc. This keeps Windsor from reaching the honest judges at the Eleventh Circuit.(Pet.App.50.)

Judges Carnes, Hull, and Marcus ignored everything in Appeal No.10-12517-A.(Pet.App.55.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation whatsoever. There is nothing whatsoever frivolous about the appeal; it covers similar issues to appeals ruled not frivolous. The law is crystal clear that Judge Evans violated the law.(Pet.App.55.)(Docket in Appeal No.10-12517-A.)

Judges Edmondson, Birch, and Wilson ignored everything in Appeal No.10-12450-A.(Pet.App.57.) They ignored the facts. They ignored the law. (Pet.App.57.)(Docket in Appeal No.10-12450-A.)

## IGNORE APPLICABLE CASE LAW

In virtually all of the orders in the Pet.App., the judges ignored extensive case law cited. In not one single order did the judges of the Eleventh Circuit

ever indicate that any of my cited case law was in any way incorrect -- thousands of citations.

While Windsor has read many cases that cause him to feel that Judge Tjoflat is honest and an excellent judge, the decision of Judges Tjoflat and Pryor on Windsor's effort to recuse Judge Duffey is one of the worst. They ignored the letter of the law in 28 U.S.C.144. They quoted from ***Liteky v. United States***, but ignored the portion of ***Liteky*** that makes it crystal clear that matters arising out of judicial proceedings can be grounds for recusal, especially if it came from a previous case, as was the situation with Judge Duffey. Judges Tjoflat and Pryor have the ungodly audacity to claim that Judge Evans can call me "scurrilous and irresponsible, and reasonable people would not think that he might not be able to be impartial.(Pet.App.15-17.) (See the Petition for Writ of Mandamus to disqualify Judge William S. Duffey that was filed with this Court the first week in November 2010.)

Judges Carnes, Barkett, and Hull ignored the case law that says mandamus is the appropriate appellate action in matters of recusal.(Pet.App.26.) (Dockets in Appeal Nos. 09-14735-DD,09-16493, and 09-16494.)

Judges Carnes, Barkett, and Hull ignored everything and issued one of the most outlandish orders ever in Appeal No. 09-14735-DD.(Pet.App.29.) They ignored the facts. They ignored the case law. (Pet.App.29.)(Docket in Appeal No.09-14735-DD.)

Judges Tjoflat, Edmondson, and Burch ignored the case law that says mandamus is the appropriate appellate action in matters of recusal.(Pet.App.33.) (Docket in Appeal No.10-10349-A.)

Judges Black and Wilson completely and totally ignored Windsor's absolutely valid issues. (Pet.App.35.) They cite erroneous law while ignoring the case law that proves that mandamus is the proper vehicle for recusal. (Pet.App.35.)(Appeal Nos.10-10698-A,10-10699-A,10-10700-A, and 10-10701-A.)

Judges Carnes, Barkett, and Hull struck again in Pet.App.43. They lied about the basis for the bias that Windsor swore was why the judges of the Eleventh Circuit should be recused in matters involving Judge Evans and Judge Duffey. They cited erroneous case law and ignored the Supreme Court's order in ***Liteky***. Then the further trampled Windsor's rights by ordering that Windsor could not respond to the denial and its perjury.(Pet.App.43.)(Dockets in Appeal Nos.09-16448-A,09-16493-A, and 09-16494-A.)

Judges Tjoflat, Edmondson, and Burch ignored the case law that says mandamus is the appropriate appellate action in matters of recusal.(Pet.App.45.) (Docket in Appeal No.10-10349-A.)

## CITE ERRONEOUS CASE LAW

Judges Hull, Marcus, and Pryor quoted erroneous case law to dismiss an appeal sua sponte. This had to be reversed later.(Pet.App.20.) Judges can make honest mistakes, but based upon what happened before and after, Windsor believes they

simply cite erroneous case law when they don't want to do what the law provides.(Pet.App.12,¶1.)

Judges Tjoflat and cited ***Loranger v. Stierheim*** and ***United States v. Chandler***, but those cases do not support their argument.(Pet.App.15-17.) (See the Petition for Writ of Mandamus to disqualify Judge William S. Duffey that was filed with this Court the first week in November 2010.)

Judges Edmondson and Birch ignored the controlling case law on the use of mandamus on recusal. "Mandamus is the right and only means to seek review of a judge's refusal to recuse herself." (see ***United States v. Boyd***, 208 F.3d 638, 645 (7th Cir.2000); ***United States v. Balistrieri***, 779 F.2d 1191, 1204-05 (7th Cir.1985); ***In the Matter of: United States of America***, 398 F.3d 615 (2005).) They cited ***Christo v. Padgett***, which speaks of pervasive bias, and used the case to attempt to justify another aspect of their ruling. They ignored the fact that Windsor argued pervasive bias.(Pet.App.22.) (Docket in Appeal No.09-15232-D.)

Judges Carnes, Barkett, and Hull cited erroneous case law so they could ignore the case law that says mandamus is the appropriate appellate action in matters of recusal.(Pet.App.26.)(Dockets in Appeal Nos.09-14735-DD, 09-16493, and 09-16494.)

Judges Tjoflat, Edmondson, and Burch ignored the case law that says mandamus is the appropriate appellate action in matters of recusal.(Pet.App.33.) (Docket in Appeal No.10-10349-A.)

## ISSUE SHORT, INADEQUATE DECISIONS

Pet.App.13 merely says "FRIVOLOUS sua sponte." Judges Hull, Marcus, and Pryor made this OUTRAGEOUS ruling without even considering anything from the Appellees. They claim to have made this decision solely from looking at Windsor's motions in the district court and his Brief. Based upon this statement in the Order, these judges committed perjury and fraud upon the courts. Windsor proved: Judge Evans erred by claiming there was not any evidence that Plaintiffs acted in bad faith in the course of this litigation, and Windsor's massive evidence was uncontroverted. The Plaintiffs / Appellees did not file a single, solitary affidavit and had no admissible evidence. Judge Evans erred because there is massive evidence of bad faith. Judge Evans erred because there was no factual support for the Appealed Order. Judge Evans erred in denying Rule 60(b) Motion due to improper interpretation of the law. Judge Evans "interpreted the law" dishonestly in the Appealed Order. Windsor cited 52 cases that proved the law. If Judge Evans is right and a closed case cannot be reopened through a Rule 60(b) motion, Windsor has thousands of cases where every federal court in the country were wrong. Judge Evans improperly defined "proceeding" to exclude a Rule 60(b) motion. Ridiculous. Judge Evans erred in ruling that the 60(b) motion was untimely. She ignored the letter of the law that says a motion to set aside a "Final Order and Judgment." Judge Evans erred by claiming Windsor did not have valid arguments under Rule 60(b). It was a timely, valid argument under each of the six sections of Rule 60(b). Perhaps

one or two sections were debatable, but the fraud upon the court was not debatable based upon the evidence. Judge Evans erred by failing to recuse herself. Windsor said she was biased against pro se parties, and Windsor now has massive evidence of this fact. (See Petition for Writ of Mandamus to disqualify Judge Evans that is being filed with this Court.) Judge Evans erred by failing to properly consider the Motion for Recusal. She did not follow the required procedures. Judge Evans erred by claiming Windsor did not enumerate meritorious reasons for a reasonable person to doubt the impartiality of Judge Evans. Windsor had a long list, though he believes the fact that she refused to even allow the perjury of the Plaintiffs and the subornation of the perjury by their attorneys was more than enough. Judge Evans erred by claiming that bias must be extra-judicial. ***Liteky*** does not say that, and besides, bias against a pro se party is extra-judicial. Judge Evans erred by claiming that recusal and consideration of motions by another judge would ultimately make no difference as to the outcome of the case. She may be right about that one, if the judge is from the Eleventh Circuit where Windsor knows that at least nine judges in Atlanta are corrupt. Judge Evans erred because the impartiality of the judge might reasonably be questioned. Judge Evans erred by failing to consider that the cumulative effect of the facts presented would be grounds for recusal – pervasive bias, clearly grounds under 28 U.S.C.455. Judge Evans erred by improper consideration of recusal under 28 U.S.C.144. Case law proves that she had to accept my certificate of good faith since Windsor is pro se. Judge Evans erred by failing to consider Windsor's

Constitutional justification for recusal. Judge Evans erred by failing to consider Windsor's Motion to Reopen under the Court's Inherent Powers. She didn't even address it. Judge Evans erred by claiming that Windsor's Rule 11 Motions for Sanctions were entirely lacking in merit. This is a serious case of perjury that is absolutely proven by the record. Judge Evans erred by failing to give Windsor his legal right to file a Reply to a Response. Judge Evans erred by failing to consider that this case casts doubt on the integrity of the judicial process. And Judges Hull, Marcus, and Pryor committed the same wrongdoing. Calling this motion FRIVOLOUS is about as corrupt as any judicial decision could be.(Pet.App.13.)

Judges Hull, Marcus, and Pryor were given a second chance with a motion for reconsideration, and they said nothing but "frivolous sua sponte" again. (Pet.App.18.) This Frivolous sua sponte is a favorite technique of some of the corrupt federal judges. They give an appellant absolutely nothing to go on, and the claim that the appeal is "frivolous" sets up the pro se party for them to award sanctions, thus scaring many honest people.(Pet.App.18.)

Judges Hull, Marcus, and Pryor gave no explanation of denying a motion for sanctions and thus sanctioned perjury by Maid's Attorneys. (Pet.App.20.)

Some of the judges, such as Judges Edmondson and Birch, Evans, and Duffey know how to pad an order to make it appear that the issues were addressed. Judges Edmondson and Burch took four

pages to recite the relief requested by Windsor, discuss erroneous case law to the issues, and deny the relief requested with no facts or case law or discussion to support the decision.(Pet.App.22.) (Docket in Appeal No.09-15232-D.)

Judges Carnes, Barkett, and Hull are pros in padding an order to make it appear that the issues were addressed. Judges Carnes, Barkett, and Hull took three pages to recite the relief requested by Windsor in three petitions for writ of mandamus and say "Petitioner has failed to carry his burden.... Therefore, these petitions for writ of mandamus are denied." They gave no facts or case law or discussion to support the decision other than one erroneous citation claiming that mandamus is not appropriate for recusal as Judges Edmondson and Burch did in Pet.App.22.(Pet.App.26.)(Dockets in Appeal Nos.09-14735-DD, 09-16493, and 09-16494.)

Judges Carnes, Barkett, and Hull ignored everything and issued one of the most outlandish orders ever in Appeal No. 09-14735-DD. (Pet.App.29.) They ignored the facts. They ignored the law. They dismissed an appeal as frivolous with no explanation whatsoever.(Pet.App.29.)(Docket in Appeal No.09-14735-DD.)

Judges Black and Wilson completely and totally ignored Windsor's absolutely valid issues. (Pet.App.35.) Their order does not discuss a single one of Windsor's points in an appeal where the law and the facts are absolutely overwhelming against Judge Evans' order. The only finding in the five page order (padded mercilessly) is "After review, we find

that Petitioner has failed to carry his burden...." This clearly violates ***Corcoran v. Levenhagen***. (Pet.App.35.)(Appeal Nos.10-10698-A,10-10699-A, 10-10700-A, and 10-10701-A.)

Judges Carnes, Barkett, and Hull said nothing in Pet.App.43 but a lie about the basis for the bias that Windsor swore was why the judges of the Eleventh Circuit should be recused in matters involving Judge Evans and Judge Duffey. Windsor's petition stated: "Windsor submits that judges do everything possible to protect fellow judges. As a 30-year veteran of the Northern District of Georgia and as a former Chief Judge, Windsor submits that Judge Evans is a senior judge who is being protected by her fellow judges. Windsor asked that this Appeal and all of his appeals be moved to another District where the judges will not be friends and associates of Judge Evans and Judge Duffey and where the appellate judges are honest and abide by the law." They cited erroneous case law and ignored the Supreme Court's order in ***Liteky***. Then the further trampled Windsor's rights by ordering that Windsor could not respond to the denial and its perjury. (Pet.App.43.)(Dockets in Appeal Nos.09-16448-A,09-16493-A, and 09-16494-A.)

Judges Carnes, Hull, and Marcus ignored everything in Appeal Nos. 10-12517-A.(Pet.App.55.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation whatsoever. There is nothing whatsoever frivolous about the appeal; it covers similar issues to appeals ruled not frivolous. The law is crystal clear that

Judge Evans violated the law. (Pet.App.55.)(Docket in Appeal No.10-12517-A.)

Judges Edmondson, Birch, and Wilson ignored everything in Appeal Nos. 10-12450-A.(Pet.App.57.) They dismissed as frivolous with no explanation whatsoever.(Pet.App.57.)(Docket in Appeal No.10-12450-A.)

A review of all of the orders in the Pet.App. will reveal that 62 pages of orders from the Judges of the Eleventh Circuit yielded not one single sentence that addressed Windsor's facts or citations of law. There was no discussion of factual or legal issues other than to recite boilerplate order language and factual background. (Five sentences about facts raised were in Pet.App.1 handled by Windsor's attorney.)

This Court says judges may not issue these inadequate orders. (***Corcoran v. Leverhagen***, 558 U. S. ____(2009).) But they get away with it because this Court seems to only choose to review cases that will establish new precedents. A tiny fraction of the Petitions for Writ of Certiorari get granted.

SAY ONE THING AND DO ANOTHER

Judges Dubina, Hull, and Fay said they were reviewing the evidence in the light most favorable to the party opposing the motion, but that actually constitutes perjury because they did no such thing. The record of the court in MIST-1 and in Appeal No.07-14214 will prove this to any honest judge. (Pet.App.p.7,¶2.)

COMMIT PERJURY

Judges Dubina, Hull, and Fay make various statements that are absolutely proven wrong by the facts and the law. These judges had an obligation to review the record and indeed claimed they did. Therefore, these were false statements made intentionally while under their oath as judges, and that's perjury. All of the Defendant Judges should be tried for perjury just as Judge Mary Waterstone is in Michigan (case citation unknown, but see http://www.freep.com/article/20101013/NEWS02/101013031/0/ent) (Pet.App.7,¶2-4 and Pet.App.8,¶1.)

Judges Dubina, Pryor, and Anderson emphasize a technique that Eleventh Circuit Judges use to foster their corrupt practices. They don't publish the corrupt opinions. Windsor looks forward to determining how many pro se orders are published compared to the percentage of opinions published when there are attorneys on both sides. It will be staggering. Judges Dubina, Pryor, and Anderson refused to allow the order in Pet.App.40 to be published that Windsor moved to have published. Honest lawyers and judges would have instantly seen that the order violates just about everything. (Pet.App.61.)

DO WHATEVER IT TAKES TO SUPPORT THEIR FRIENDS AT THE DISTRICT COURTS –

The entire Pet.App. reflects this, pp.2-62.

Judges Edmondson and Birch did this very specifically in claiming mandamus was not proper for

seeking recusal of Judge Evans.(Pet.App.22.)(Docket in Appeal No.09-15232-D.)

Judges Carnes, Barkett, and Hull also did this very specifically in claiming mandamus was not proper for seeking recusal of Judge Evans. (Pet.App.26.)(Dockets in Appeal Nos.09-14735-DD,09-16493, and 09-16494.)

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Judges Tjoflat, Edmondson, and Burch ignored the case law that says mandamus is the appropriate appellate action in matters of recusal.(Pet.App.33.) (Docket in Appeal No.10-10349-A.)

Judges Black and Wilson supported both Judge Evans and Judge Duffey in one order. (Pet.App.35.) This is a horrible order in which they demonstrate bias by making absolutely false statements obtained from their fellow judges.(Pet.App.35.)(Docket in Appeal Nos.10-10698-A,10-10699-A,10-10700-A, and 10-10701-A.)

Judges Carnes, Barkett, and Hull might as well have been on Judges Evans and Duffey's payroll with Pet.App.40. They illegally and maliciously claimed that Windsor exceeded the page limits that do not exist in FRAP 38. They ignored and never even ruled

on motions that pertained to the same issue and preceded this refusal to even allow Windsor's response to be filed. After it was file stamped by the Clerk, it was returned over a month later with the file stamp scratched out. Judges Carnes, Barkett, and Hull granted sanctions against Windsor and to Maid in an appeal that Windsor should have won hands-down. To add insult to injury, they never issued a judgment, and their order gave no direction to the Clerk of the Court to issue a writ of execution, but the Clerk did both. Maid has filed liens on all of Windsor's assets and those of his wife, and Windsor is suing the Clerk of the Court over the wrongful actions. To just add a little more violation of Windsor's rights to due process, they ordered that Windsor could not file a motion for reconsideration or any motion of any type in this matter ever. Judges Carnes, Barkett, and Hull need to be high on Congressional list of the Atlanta federal judges to be impeached.(Pet.App.40.)(Docket in Appeal No.09-14735-DD.)

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where the appellate judges are honest and abide by the law." They cited erroneous case law and ignored the Supreme Court's order in ***Liteky***. Then the further trampled Windsor's rights by ordering that Windsor could not respond to the denial and its perjury. (Pet.App.43.)(Dockets in Appeal Nos.09-16448-A,09-16493-A, and 09-16494-A.)

Judges Tjoflat, Edmondson, and Burch ignored the case law that says mandamus is the appropriate appellate action in matters of recusal.(Pet.App.45.) (Docket in Appeal No.10-10349-A.)

Even the screening orders that have ALL said that Windsor's appeals are not frivolous show bias. They include language that implies that Windsor exceeded pages or words in motions or briefs, and Windsor has NEVER done any such thing. (Pet.App.47,52.)

Windsor has been blocked from seeking reconsideration of orders or petitioning for rehearing en banc. This keeps Windsor from reaching the honest judges at the Eleventh Circuit.(Pet.App.50.)

Judges Carnes, Hull, and Marcus ignored everything in Appeal Nos. 10-12517-A.(Pet.App.55.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation whatsoever. There is nothing whatsoever frivolous about the appeal; it covers similar issues to appeals ruled not frivolous. The law is crystal clear that Judge Evans violated the law.(Pet.App.55.)(Docket in Appeal No.10-12517-A.)

Judges Edmondson, Birch, and Wilson ignored everything in Appeal Nos. 10-12450-A.(Pet.App.57.) They ignored the facts. They ignored the law. They dismissed as frivolous with no explanation whatsoever. There is nothing whatsoever frivolous about the appeal; it covers identical issues to appeals ruled not frivolous. The law is crystal clear that Judge Evans violated the law. Significant case law was cited by Windsor. (Pet.App.57.)(Docket in Appeal No.10-12450-A.)

## TRAMPLE THE CONSTITUTIONAL RIGHTS OF LITIGANTS

Virtually all of these orders trampled Windsor's Constitutional rights.(Pet.App.pp.2-70.)

Judges Carnes, Barkett, and Hull ignored everything and issued one of the most outlandish orders ever in Appeal No. 09-14735-DD.(Pet.App.29.) They ignored the facts. They ignored the law. They dismissed an appeal as frivolous with no explanation whatsoever. And after all that, they violated Windsor's Constitutional rights even more severely in Pet.App.40.(Pet.App.29.)(Docket in Appeal No. 09-14735-DD.)

Judges Black and Wilson completely and totally trampled Windsor's Constitutional rights in Pet.App.35. Windsor sought a stay due to an absolutely outrageous order by Judge Evans that violates all of the case law on filing injunctions, and they not only denied the motion without addressing a single issue, but they restricted Windsor further, without notice or an opportunity to be heard. The

restrictions are totally unfounded because Windsor has filed nothing even remotely frivolous. (Pet.App.35.)(Docket in Appeal Nos.10-10698-A,10-10699-A,10-10700-A, and 10-10701-A.)

Judges Carnes, Barkett, and Hull trampled Windsor mercilessly in Pet.App.40. They illegally and maliciously claimed that Windsor exceeded the page limits that do not exist in FRAP 38. They ignored and never even ruled on motions that pertained to the same issue and preceded this refusal to even allow Windsor's response to be filed. After it was file stamped by the Clerk, it was returned over a month later with the file stamp scratched out. Judges Carnes, Barkett, and Hull granted sanctions against Windsor and to Maid in an appeal that Windsor should have won hands-down. To add insult to injury, they never issued a judgment, and their order gave no direction to the Clerk of the Court to issue a writ of execution, but the Clerk did both. Maid has filed liens on all of Windsor's assets and those of his wife, and Windsor is suing the Clerk of the Court over the wrongful actions. To just add a little more violation of Windsor's rights to due process, they ordered that Windsor could not file a motion for reconsideration or any motion of any type in this matter ever. Judges Carnes, Barkett, and Hull need to be high on Congressional list of the Atlanta federal judges to be impeached.(Pet.App.40.)(Docket in Appeal No.09-14735-DD.)

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Windsor hereby reports the crimes described herein to this Court pursuant to 18 U.S.C.§4 and asks that this information be presented to a federal grand jury. Windsor also hopes that the House and Senate Judiciary Committees will investigate.

Windsor's lawsuit against the Defendant Judges is pursuant in part to 28 U.S.C.§1331, to redress the deprivation of rights secured him by the Constitution and the First, Fifth, Sixth, Seventh, Ninth, and Fourteenth Amendments to the United States Constitution, and under the Civil Rights Act of 1871, 42 U.S.C.§1983, 42 U.S.C.§1988, and the common law and redressable pursuant to ***Bivens v. Six Unknown Narcotics Agents*** 403 U.S. 388 (1971).

## IV. JUDGES OF THE ELEVENTH CIRCUIT HAVE A BIAS AGAINST WINDSOR.

Judges of the Eleventh Circuit have established a bias against Windsor. This is extra-judicial.

Judges of the Eleventh Circuit have a bias against anyone who would have the audacity to sue a fellow judge and try to expose corruption in the federal judiciary in Atlanta, Georgia.

Windsor suspects there is a dartboard somewhere at the Eleventh Circuit with his picture on it. Windsor's family is concerned that one of the corrupt judges will try to kill him.

Seven judges from the Eleventh Circuit are named as Defendants in a civil action filed by Windsor. Windsor's Verified Action charge these judges with corruption.

Any judge from this circuit assigned to hear a matter involving Windsor will be friends with the

Judges of the Eleventh Circuit. Friendships create an extra-judicial bias in favor of the friend and an extra-judicial bias against anyone who would sue a judge.

## V. THE AVERAGE REASONABLE PERSON WOULD DOUBT THAT THE JUDGES OF THE ELEVENTH CIRCUIT COULD BE IMPARTIAL WITH WINDSOR.

The impartiality of the judges of the Eleventh Circuit must be questioned.

The standard for review in recusal is not what the judges think; it is what reasonable people think.

> "'A party seeking recusal need not show actual bias on the part of the court, only the possibility of bias . . . Under§455(a), if a reasonable man, were he to know all the circumstances, would harbor doubts about the judge's impartiality under the applicable standard, then the judge must recuse.'" *Selkridge v. United of Omaha Life Ins. Co.*, 360 F.3d 155, 167 (3d Cir. 2004)(quoting *Krell v. Prudential Ins. Co. of Am.* (*In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*), 148 F.3d 283, 343 (3d Cir. 1998)). (See also *Liteky v. United States*, 510 U.S. 540, 550 (1994); *Withrow v. Larkin*, 421 U. S. 35, 47 (1975); *Caperton v. A. T. Massey Coal Co., Inc.*, 129 S.Ct. 2252, 173 L.Ed.2d 1208 (U.S. 06/08/2009).)

> "The probability of actual bias on the part of the judge . . . is too high to be constitutionally tolerable;" (***Berger v. United States***, 255 U.S. 22, (1921), 41 S.Ct. 230, 65 L.Ed. 481 1921)

If a clerk goes out into public and asks 100 people whether the Judges of the Eleventh Circuit might be impartial if someone who sued their fellow judge friend appeared as a party in his court, the result will be overwhelming that the impartiality must be questioned. The Petitioner has done so and knows.

A reasonable person would question the impartiality of any judge toward a pro se party who is taking legal action against another judge, especially those they have been friends with for many years.

## VI. THE RULINGS OF THE ELEVENTH CIRCUIT ON EXTRAJUDICIAL BIAS ARE IN CONFLICT WITH A DECISION OF THE SUPREME COURT.

The Supreme Court expressed in 1994 that the source of impartiality by a judge need not necessarily stem from an extrajudicial source. (***Liteky v US***, supra.)

## VII. THIS PETITION PRESENTS AN ISSUE OF VITAL IMPORTANCE TO ALL CITIZENS.

Every person "has a constitutional and statutory right to an impartial and fair judge at all stages of the proceeding." (*Liteky v. U.S.*, 510 US 540 (1994).

Unless this Court acts today and sends a strong message about bias and corruption in the federal courts, the corrupt judges will continue to deprive citizens of their rights.

This is a very important issue of the most basic of Constitutional rights.

## VIII. THIS WRIT WILL BE IN AID OF THE COURT'S APPELLATE JURISDICTION, AND THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS. ADEQUATE RELIEF CANNOT BE OBTAINED FROM ANY OTHER COURT.

Windsor is pro se, and he is interpreting *Marbury v. Madison*, 1 Cranch 137, 175 when it says "it must be shown to be an exercise of appellate jurisdiction" to mean that Windsor must show that this is in essence an appeal. Windsor attempted to have Judge Duffey and Judge Evans disqualified at both the District Court and Eleventh Circuit. Windsor attempted to have the Eleventh Circuit judges disqualified at the Eleventh Circuit, but the motion was dismissed. Windsor has further read that the recusal of a judge can only be handled through mandamus.

Windsor respectfully submits that there is nothing that qualifies as "exceptional circumstances" more than biased, corrupt federal judges.

## CONCLUSION

Under the circumstances, disqualification is the only remedy that will promote the public's faith in the integrity and fairness of the federal judicial system, prompt other judges to handle motions for recusal properly, restore impartiality to the parties in the judicial process, and secure the relief that the Petitioner deserves.

For all of the above reasons, the Petitioner now respectfully prays that this Court grant a Writ of Mandamus to order the Eleventh Circuit to disqualify all judges from presiding in any matters involving the Petitioner. This Court should make it clear to lower courts that extrajudicial bias is not required in recusal; the perception of reasonable people of the appearance of bias necessitates recusal if there is any chance that the party will not receive a fair trial.

All cases involving Windsor should be transferred to another circuit. Windsor has filed motions requesting intercircuit transfers, but these have thus far been ignored.

## FINAL NOTE FROM THE PETITIONER

Please read the "Final Note from the Petitioner" on pages 43-45 of the Petition for Writ of Mandamus to disqualify Judge William S. Duffey that was recently filed with this Court.

In accordance with 28 U.S.C.§1746, I declare under penalty of perjury that the foregoing is true

and correct based upon my personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

Respectfully submitted this 5 day of November, 2010,

William M. Windsor
Pro Se